

**\*\*NOT FOR PRINTED PUBLICATION\*\***

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

JOSE DAVID MORENO,

*Plaintiff,*

V.

CITY OF MCKINNEY, TEXAS, ET AL.,

*Defendants.*

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CASE NO. 4:12cv654  
Judge Clark/Judge Mazzant

**ORDER ADOPTING REPORT AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On May 15, 2013, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that defendants City of McKinney, Texas and McKinney Police Department's Rule 12(b)(6) Motion to Dismiss [Doc. #12] be granted.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court.

It is, therefore, **ORDERED** that defendants City of McKinney, Texas and McKinney Police Department's Rule 12(b)(6) Motion to Dismiss [Doc. #12] is **GRANTED** and Plaintiff's case is **DISMISSED**. The John Doe defendants have not been served and are dismissed without prejudice.

All relief not previously granted is hereby **DENIED**.

The Clerk is directed to **CLOSE** this civil action.

So **ORDERED** and **SIGNED** this **10** day of **July, 2013**.

A handwritten signature in black ink, appearing to read "Ron Clark", written in a cursive style.

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Ron Clark, United States District Judge